

CHAPTER NO. 118

SENATE BILL NO. 2311

By Kyle

Substituted for: House Bill No. 2296

By McMillan

AN ACT to amend Tennessee Code Annotated, Section 63-1-117, relative to access to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-117, is amended in subsection (a)(1)(B) by deleting the word and number "three (3)" and substituting instead the word and number "five (5)"; and is further amended by adding the following new subdivisions (a)(1)(B)(iv) and (v):

(iv) Notwithstanding the provisions of subsection (b)(1) of this section, the written request issued pursuant to this subsection shall contain notice to the health care provider of the statutory and/or regulatory grounds that may have been violated based on information from the complaint or upon which the investigation is being conducted and the health care provider's right to a reasonableness hearing pursuant to subdivision (a)(3)(A).

(v) The written request shall contain a specific date by which production of the records is required.

SECTION 2. Tennessee Code Annotated, Section 63-1-117, is amended in subsection (a)(3) by designating the existing language as subdivision (B) and inserting the following language as a new subdivision (A):

(A) If a health care provider chooses not to comply with the written request for records issued in compliance with (a)(1)(B)(i) through (v), the state may file a petition in the Chancery Court of Davidson County to compel production of the records, or the health care provider may, within fifteen (15) days following the date specified for production of the records contained in the written request, file a petition in the Chancery Court of Davidson County to determine the reasonableness of the request. No enforcement action pursuant to subdivision (B) may be commenced before the expiration of the fifteen (15) days or during the pendency of any petition that may be filed. If the health care provider does not file such a petition within the fifteen (15) days, the health care provider has waived any challenge to the reasonableness of the written request issued pursuant to subdivision (a)(1)(B)(i) through (v). The Chancery Court of Davidson County is hereby granted exclusive and sole jurisdiction to hear and decide any petitions filed under this section. The sole issue for determination at any hearing conducted upon petition by a health care provider is the reasonableness of the written request for medical records based upon the criteria set out in this section for issuance of the written request. Proof on the issues may be submitted by affidavit. Due to the public health, safety and welfare issues involved in any such request for records, hearings on any and all petitions filed pursuant to this section shall be promptly scheduled and held and decisions expeditiously issued by the Chancery Court.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: April 18, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of May 2005


PHIL BREDESEN, GOVERNOR